

SENATE BILL REPORT

SB 5503

As of January 29, 2009

Title: An act relating to protecting lake water quality by reducing phosphorus from lawn fertilizers.

Brief Description: Protecting lake water quality by reducing phosphorus from lawn fertilizers.

Sponsors: Senators Pridemore, Kline, Jacobsen, Kohl-Welles and Murray.

Brief History:

Committee Activity: Environment, Water & Energy: 1/28/09.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Karen Epps (786-7424)

Background: The Water Pollution Control Act and the Surface Water Quality Standards require the Department of Ecology (Ecology) to establish criteria and programs necessary to protect lakes, rivers, and streams.

Phosphorus is a nutrient essential to both plant and animal life. Excess amounts of phosphorus in wastewater discharges can cause excessive aquatic plant growth in our streams and rivers. These plants can cause adverse water quality conditions by decreasing sunlight penetration, depleting dissolved oxygen during the night, and interfering with boating and other water uses.

Summary of Bill: After January 1, 2011, a person may not apply a fertilizer containing phosphorus to turf. Exceptions include:

- applying a solid fertilizer containing less than 0.67 percent phosphate by weight or a liquid fertilizer applied at a rate not greater than 0.3 pounds of phosphate per 1,000 square feet of turf;
- when tests show the soil is phosphorus deficient, as long as the test results are consistent with standards approved by Ecology in consultation with Washington State University Extension Service;
- new lawns during the first growing season; or
- application at a golf course that is consistent with golf course application standards adopted by Ecology.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

This will not affect application of turf fertilizer for agricultural uses. Additionally, a person may not apply a fertilizer to an impervious surface. If fertilizer is released on an impervious surface, it must be immediately contained and either legally applied to turf or returned to the original or other appropriate container.

Ecology may issue a notice of corrective action if a person is in violation of these provisions. A city or county may adopt an ordinance providing for enforcement of these provisions, as a city or county adopting an ordinance has concurrent jurisdiction.

Ecology, in consultation with Washington State University Extension Services, fertilizer industry representatives, lakes health organizations, and other interested parties, may produce consumer information on application restrictions and on recommended best practices for turf fertilizer and other residential landscaping uses. This information will be distributed at retail points of sale of fertilizer that contains phosphorus and is used on turf.

Appropriation: None.

Fiscal Note: Requested on January 28, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Excess phosphorus leads to toxic algae growth which can become an issue for public health. Excess phosphorus accelerates a process called eutrophication. Algae blooms caused by excess phosphorus impact fisheries because the blooms cause injury to commercial fish. It impacts water quality by affecting odor and taste of drinking water. This ban will be effective for improving the health of rivers and streams as well as lakes. In Washington, local municipalities, including Whatcom County and Liberty Lake Water and Sewer District, have banned fertilizer containing phosphorus.

CON: There are numerous other sources of storm water runoff that cause damage to lakes. This bill does not address those sources. There are other ways to improve this bill to specifically improve lake health without prohibiting fertilizer that contains phosphorus. Some states have shown no decrease in phosphorus levels after a ban was put in place.

OTHER: Ecology has some concerns about the fiscal impacts of this bill as the bill requires that they establish standards.

Persons Testifying: PRO: Joe Daniels, Beth Cullen, Jonathon Frodge, Bijay Adams, Washington State Lakes Protection Association.

CON: Paul Backman, Western Washington Golf Course Superintendents; Heather Hanson, Washington Friends of Farms and Forests.

OTHER: Melodie Selby, Ecology.